

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claims 1-3, 7, 9, 10, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hohmann in view of Ross.

Claim 1 requires a switching unit being switchable by an individual to control a hearing device in a first stable operating status as desired by said individual or in at least one second stable operating status as desired by said individual, so as to adapt said hearing system by said individual to a respectively desired operating status. The two desired operating statuses can be operating modes of the hearing system which are customarily controlled by the wearer (e.g., a sleep mode, active mode, transmission characteristic A, transmission characteristic B, etc.) The first and second operating statuses are different and would be desired by the individual according to his instantaneous needs, and each is capable of being switched to by the individual as needed. Hohmann's system, however, attempts maintain a stable operating status without a change that is apparent to the individual.

Claim 1 recites, "said instability being willingly established by said individual at a desired moment and removed by said individual at a second desired moment so as to control said switch-over by the willingly applied instability during the time span between said second and said first moment." The cited combination of references does not teach instability being removed by an individual so as to control switch-over. Hohmann teaches detecting oscillations due to feedback and automatically activating a notch filter to eliminate the oscillations (6:22-41). Hohmann's oscillations are automatically eliminated and, therefore, are not willingly removed by *said individual* at a second desired moment. Ross teaches that placing one's hands next to a

hearing aid will increase the chances of feedback. Assuming, *arguendo*, that the combination of Hohmann and Ross suggests willingly establishing feedback, such feedback would automatically be eliminated when Hohmann's notch filter is activated. Accordingly, the cited combination of references does not teach instability being removed by an individual so as to control switch-over.

In view of the deficiencies of the cited combination of references, applicant submits that claim 1 is not anticipated by and is allowable over said combination. Claims 3, 7, 9 and 10 depend from claim 1.

Claim 12 recites "switch over from one desired operating mode of the hearing device to at least one other desired operating mode of the hearing device" and "changing from the one desired operating mode of the hearing device to the at least one other desired operating mode of the hearing device." The desired operating modes can be operating modes of the hearing system which are customarily controlled by the wearer (e.g., a sleep mode, active mode, transmission characteristic A, transmission characteristic B, etc.) The operating modes are different and would be desirable to the individual according to his instantaneous needs, and the individual can control a change of operating modes. Hohmann's system, however, attempts maintain a stable operating status without a change that is apparent to the individual. Ross merely teaches that placing one's hands next to a hearing aid will increase the chances of feedback. In view of the deficiencies of the cited combination of references, applicant submits that claim 12 is allowable over said combination. Claim 13 depends from claim 12.

New claim 14 has been added, which depends from claim 13. Claim 14 recites, "willingly ceasing, by the individual, the instable operating mode of the hearing device after changing from the one desired operating mode of the hearing device to the at least one other desired operating mode of the hearing device." Hohmann *automatically* eliminates oscillations

by activating a notch filter. The oscillations are not willingly ceased by an individual after switching to another desired operating mode. The combination of Hohmann and Harris does not teach that an individual ceases an instable operating mode after a desired operating mode is changed to another desired operating mode.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. TSW-36162.

Respectfully submitted,
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